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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,650	12/21/2001	Arthur Christopher Leyh	CS11235	1167

20280 7590 01/21/2005

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EXAMINER
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EWART, JAMES D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/027,650

Applicant(s)

LEYH ET AL

Examiner

James D Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,6,10-16 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-7 is/are allowed.
- 6) ☒ Claim(s) 10-14,16 and 20-27 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

*Response to Arguments*

1. The applicant's arguments regarding prior art rejections filed September 17, 2004, have been fully considered by the Examiner and Examiner agrees and the following are Examiners responses to the arguments.
2. Regarding claims 1, and 3-7, Applicant's amendment has overcome the rejection and Examiner has allowed claims 1, and 3-7.
3. Regarding claims 10-14, and 16, 22 and 23 examiner agrees with applicant that the Wang et al reference doesn't specifically teach a "CDMA compressed signal" and has used another reference and is issuing another non-final rejection.
4. Regarding claims 20, 21, 24, and 26, Applicant argues that Poirier suggests nothing about multimode handset architecture. Examiner only has to show a teaching of the limitation "using spread spectrum" and has used the Poirer reference. Both Byrne and Poirer are similar in art being that they each disclose a mobile handset.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 11 and 14 are rejected under 35 USC 103(a) as being unpatentable over Vaisanen et al (U.S. Patent No. 6,606,311) in view of Longginou et al (U.S. Patent No. 5,841,971)

Referring to claims 10 and 14, Vaisanen et al teaches a method in a wireless communications device having a first transceiver and a second transceiver (Figure 1), comprising: receiving a spread spectrum signal with a first receiver of the first transceiver (Column 4, Lines 50-60); receiving a second signal with a second receiver of the second transceiver at the same time the first receiver is receiving the spread spectrum signal (Column 4, Lines 50-60), but does not teach receiving an uncompressed CDMA signal. Longginou et al teaches receiving an uncompressed CDMA signal (Column 10, Lines 27-39). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Vaisanen et al with the teaching of Longginou et al of receiving an uncompressed CDMA signal to receive video data. It is well known that video data will be provided to mobile subscribers via 3G/futuristic public mobile networks.

Referring to claim 11, Vaisanen et al further teaches receiving the second signal with the second receiver operating in a non-continuous reception mode at the same time the first receiver is receiving the spread spectrum signal (Column 4, Lines 50-60). A local area network uses packetized data which is non-continuous.

6. Claims 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Vaisanen et al and Longginou et al. and further in view of Byrne (U.S. Patent No. 5,737,703).

Referring to claims 12 and 13, Vaisanen et al and Longginou et al. teach the limitations of claim 12, but do not teach using a GSM receiver. Byrne teaches using a GSM receiver (Figure 4). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Vaisanen et al and Longginou et al. with the teaching of Byrne of using a GSM receiver in an environment in which communication systems are individually or simultaneously available (Column 6, Lines 44-47).

7. Claim 16 is rejected under 35 USC 103(a) as being unpatentable over Auvray (U.S. Patent No. 5,564,076) and further in view of Longginou et al.

Referring to claim 16, Auvray teaches a method in a wireless communications device having a first transceiver, the method comprising: receiving a first signal with a first receiver of the first transceiver (Figure 2), the first receiver coupled to a first antenna (Figure 2, 226); transmitting a second signal with a first transmitter of the first transceiver at the same time the first receiver is receiving the first signal, the first transmitter coupled to a second antenna different than the first antenna (Figure 2, 221 and Column 2, Lines and Column 1, Lines 59-67), but does not teach receiving an uncompressed CDMA signal. Longginou et al teaches receiving an uncompressed CDMA signal (Column 10, Lines 27-39). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art

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of Auvray with the teaching of Longginou et al of receiving an uncompressed CDMA signal to receive video data. It is well known that video data will be provided to mobile subscribers via 3G/futuristic public mobile networks.

8. Claims 20 and 21 are rejected under 35 USC 103(a) as being unpatentable over Byrne and further in view of Poirier et al (U.S. Patent No. 6,341,219).

Referring to claims 20 and 21, Byrne teaches a method in a wireless communications device having a first transceiver and a second transceiver (Column 1, Lines 32-34 and Column 4, Lines 9-10) comprising: transmitting a first signal with a first transmitter of the first transceiver operating in a continuous transmission mode (Column 7, Lines 6—67 and Column 8, Lines 20-64), the first transmitter coupled to a first antenna (Figure 2' 228); receiving a second signal with a second receiver of the second transceiver at the same time the first transmitter is transmitting the first signal (Column 4, Lines 9-10), the second receiver coupled to a second antenna different than the first antenna (Figure 2, 238), but does not teach using continuous spread spectrum. Poirier et al. teaches using spread spectrum (Column 2, Lines 10-12 and Column 4, Lines 28-30). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Byrne with the teachings of Poirier et al of using spread spectrum to implement an increasingly popular transmission scheme (Column 1, Lines 14 and 15) with a power control scheme that utilizes a single control signal and provides optimal output power control (Column 4, Lines 21-24).

9. Claims 22 and 23 is rejected under 35 USC 103(a) as being unpatentable over Byrne and Poirier et al and further in view of Longginou et al .

Referring to claims 22 and 23, Byrne teaches the second receiver is a TDMA receiver (Column 6, Lines 44-47), transmitting an uplink signal with the first transmitter; receiving the second signal with the TDMA receiver at the same time the first transmitter is transmitting the uplink signal (Column 4, Lines 9-10), but does not teach the first transmitter is a CDMA transmitter and transmitting an uncompressed CDMA signal. Longginou et al teaches the first transmitter is a CDMA transmitter and transmitting an uncompressed CDMA signal (Column 10, Lines 27-39). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Vaisanen et al with the teaching of Longginou et al of the first transmitter is a CDMA transmitter and transmitting an uncompressed CDMA signal to receive video data. It is well known that video data will be provided to mobile subscribers via 3G/futuristic public mobile networks.

10. Claims 24 and 26 are rejected under 35 USC 103(a) as being unpatentable over Byrne in view of Poirier et al. (U.S. Patent No. 6,341,219).

Referring to claim 24, Byrne teaches a method in a wireless communications device having a first transceiver and a second transceiver (Column 1, Lines 32-34 and Figure 2), the method comprising: transmitting with a first transmitter of the first transceiver; transmitting with a second transmitter of the second transceiver at the same time that the first transmitter is transmitting (Column 4, Lines 9-10); but does not teach receiving at the same time as transmitting. Poirier et al. teaches receiving at the same time as transmitting (Column 2, Lines

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10-12 and Column 4, Lines 28-30). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Byrne with the teachings of Poirier et al of receiving at the same time as transmitting to implement an increasingly popular transmission scheme (Column 1, Lines 14 and 15) with a power control scheme that utilizes a single control signal and provides optimal output power control (Column 4, Lines 21-24).

Referring to claim 26, Byrne teaches a method in a wireless communications device having a first transceiver and a second transceiver (Column 1, Lines 32-34 and Figure 2), the method comprising: receiving with a first receiver of the first transceiver; receiving with a second receiver of the second transceiver at the same time that the first receiver is receiving (Column 4, Lines 9-10); but does not teach receiving at the same time as transmitting. Poirier et al. teaches receiving at the same time as transmitting (Column 2, Lines 10-12 and Column 4, Lines 28-30). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Byrne with the teachings of Poirier et al of receiving at the same time as transmitting to implement an increasingly popular transmission scheme (Column 1, Lines 14 and 15) with a power control scheme that utilizes a single control signal and provides optimal output power control (Column 4, Lines 21-24).

11. Claims 25 and 27 are rejected under 35 USC 103(a) as being unpatentable over Byrne and Poirier et al and further in view of Shaffer.



Referring to claims 25 and 27, Byrne teaches the limitations of claims 25 and 27, but does not teach receiving an uncompressed signal. Shaffer et al. teaches receiving an uncompressed signal (Column 8, Lines 52-53). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Byrne with the art of Shaffer et al. of receiving an uncompressed signal to improve signal quality (Column 8, Line 52).

*Allowable Subject Matter*

12. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 15, the references cited do not teach connecting the first transmitter and the second transmitter to the same one of the first and second at the same time.

13. Claims 1-7 are allowed. Reason for allowable subject matter is provided below:

Referring to claim 1, the references cited do not teach a wireless communications *handset*, comprising: a first transceiver having a first receiver and a first transmitter; a first antenna coupled to the first receiver (Figure 2; 24); a second transceiver having a second receiver and a second transmitter; a second antenna coupled to the first receiver, the first and second transmitters connectable at the same time to the same one of the first antenna.

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*Conclusion*

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James D Ewart can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart  
January 14, 2005



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